

**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Columbia Office
9200 Farm House Lane
Columbia, MD 21046

December 29, 2011

**Paul Dubrow
Martinsburg, WV**

**NOTICE OF UNAUTHORIZED OPERATION AND
INTERFERENCE TO LICENSED RADIO STATIONS**

**Case Number: EB-11-CF-0165
Document Number: W201232340001**

On December 21, 2011, in response to a complaint of interference from the Federal Aviation Administration, agents from the Enforcement Bureau's Columbia Office confirmed by direction finding techniques that radio signals in the restricted 1453 – 1626.5 MHz band were emanating from a radio transmitting device located in a green Ford Mustang GT (West Virginia license plate # 2JB-838) traveling on Route 9 near Leesburg, Virginia. Agents determined that you are the registered owner of the car with license plate # 2JB-838.

Persons operating or using radio transmitters must be licensed or authorized by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended.¹ In addition, radio transmitting equipment must comply with FCC rules.² Section 333 of the Act prohibits willful or malicious interference with any radio communications of any station licensed or authorized by or under the Act or operated by the United States Government.³ In addition, Section 302(b) of the Act, and Section 2.803 of the Commission's rules, prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.⁴ The Commission has issued two Public Notices and an Enforcement Advisory specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with the operation of cellular

¹ 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules. 47 C.F.R. §§ 15.1 *et seq.*

² 47 C.F.R. Part 2, Subpart J.

³ 47 U.S.C. § 333.

⁴ 47 U.S.C. § 302a(b); 47 C.F.R. § 2.803.

telephones, personal communications service (PCS) telephones, and Global Positioning System ("GPS") transmissions is unlawful.⁵

The operation of the device utilized by you may constitute a violation of Sections 333, 302(b), and 301 of the Act, as described above.⁶ Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁷ Because unauthorized operation creates a danger of interference to important radio communications services, and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNAUTHORIZED OPERATION OF RADIO TRANSMITTING DEVICES MUST NOT RESUME.

You may respond with any information you believe relevant to this warning within (10) days from the date of this warning. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974, we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules.⁸ This will include any information that you disclose in your reply.

⁵ See *Office of Engineering and Technology and Compliance and Information Bureau Warn Against the Manufacture, Importation, Marketing or Operation of Transmitters Designed to Prevent or Otherwise Interfere with Cellular Radio Communications*. DA 99-2150, released October 12, 1999; *Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States*. DA 05-1776, released June 27, 2005; *Cell Jammers, GPS Jammers, and Other Jamming Devices, CONSUMERS BEWARE: It is Unlawful to Use "Cell Jammers" and Other Equipment that Blocks, Jams, or Interferes with Authorized Radio Communications in the U.S.*, Enforcement Advisory, DA 11-250 (2011)("Consumer Enforcement Advisory").

⁶ 47 U.S.C. §§ 301, 302a(b), 333.

⁷ See 47 U.S.C. §§ 401, 501, 503, 510.

⁸ 5 U.S.C. § 552a(e)(3).

Be advised that this warning does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

Salomon Satche
District Director
Columbia Office
Northeast Region

Attachment: Consumer Enforcement Advisory, DA 11-250 (2011).